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100TH CONGRESS
2d Session

SENATE

REPORT
100-451

# RELEASING A REVERSIONARY INTEREST OF THE UNITED STATES IN A CERTAIN PARCEL OF LAND LOCATED IN BAY COUNTY, FLORIDA

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AUGUST 5, 1988.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany H.R. 3431]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 3431) to release a reversionary interest of the United States in a certain parcel of land located in Bay County, Florida, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

### PURPOSE OF THE MEASURE

The purpose of H.R. 3431, as ordered reported, is to allow Bay County, Florida to exchange certain lands with a private company.

### BACKGROUND AND NEED

The lands affected by the bill were transferred to Bay County, Florida, by the United States under the Recreation and Public Purposes Act in 1972. The minerals were reserved and remain in federal ownership, and the transfer of the surface estate was limited in that it was for recreational purposes only. The 1972 transfer document provides that if the county or its successors fail to use the property for the approved recreational purposes, the Secretary of the Interior can declare the transfer wholly or partly terminated, and title will revert to the United States.

The 40 acres covered by the 1972 transfer are completely surrounded by property owned by one corporation. There is no suitable public access to the property and a large part of the tract is swampland and is unsuitable for recreational purposes.



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The county has reached a tentative agreement with the corporation holding the surrounding lands, for exchanging the 40 acres covered by the 1972 transfer for 30 acres with a lake suitable for swimming and fishing plus 5 additional acres adjoining an existing recreational facility. This exchange cannot be completed without removal of the reverter clause from the 40 acres held by the county under the 1972 transfer. The bill would permit such a release. The Committee understands that the value of the land to be gained by the county equals or exceeds the value of the land now held by the county.

## Legislative History

H.R. 3431 passed the House of Representatives on June 20, 1988. No hearing was held in the Senate on this measure.

At the business meeting on Wednesday, August 3, 1988, the Senate Committee on Energy and Natural Resources ordered H.R. 3431, favorably reported.

## Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on August 3, 1988, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 3431, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

| YEAS | NAYS |
|---|---|
| Mr. Johnston* | |
| Mr. Bumpers* | |
| Mr. Ford | |
| Mr. Metzenbaum* | |
| Mr. Melcher | |
| Mr. Bradley* | |
| Mr. Bingaman | |
| Mr. Wirth | |
| Mr. Fowler* | |
| Mr. Conrad | |
| Mr. McClure | |
| Mr. Hatfield | |
| Mr. Weicker* | |
| Mr. Domenici* | |
| Mr. Wallop* | |
| Mr. Murkowski | |
| Mr. Nickles | |
| Mr. Hecht | |
| Mr. Evans* | |

*Indicates voted by proxy.

## Section-by-Section Analysis

Section 1 would authorize the release of the reversionary interests of the United States from the surface state of the land transferred to the county by the 1972 action of the United States. Subsection (a) would specify that the Secretary of the Interior would be

authorized and directed to take all actions necessary to affect such a release, provided that within one year after the enactment of the Act the county submits to the Secretary the documents required by Section 2. Subsection (a) also would specify that the minerals in the land now held by the county are to be retained by the United States.

Subsection (b) provides a description of the lands covered by the bill, amounting to about 40 acres.

Section 2 sets forth the conditions and requirements for implementation of the bill. Subsection (a) would provide that the Secretary could not release the land now held by the county unless and until the county submits documents which demonstrate to the Secretary's satisfaction, first, that the county has entered into a binding from the United States in 1972 for at least 36 acres which the Secretary has determined to be suitable for public open space and recreation; and, second, that the county agrees that after such exchange the land obtained by the county in the exchange will be used for public open space and recreation (and if used for anything else, will become the property of the United States).

Subsection (b) provides that in the event the lands obtained by the county should become the property of the United States, it must be retained and managed for public open space and recreation unless the Secretary should determine, in accordance with the Federal Land Policy and Management Act of 1986, that it should be disposed of.

## Cost and Budgetary Considerations

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time that report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

## Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3431. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3431, as reported.

## Executive Communications

On July 14, 1988, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 3431. These reports had not been received at the time the report on H.R. 3431 was filed. When the reports

become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3431, as reported.

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